IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 320 of 2000

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NANBHAI @ NANUBHAI PRABHUDAS BHOI

Versus

PUNAMBHAI DAHYABHAI PATEL

Appearance:

1. Appeal from Order No. 320 of 2000

MR MA KHARADI for Petitioner No. 1

MR JITENDRA M PATEL for Respondent No. 1

NOTICE SERVED for Respondents No. 2-6

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 29/10/2001

ORAL JUDGEMENT

1. In a Special Cviil Suit No.93 of 1998 filed by the respondent - plaintiff No.1 for specific performance

initially the trial Court granted ex-parte ad.interim injunction on 1.8.1999. After bye-party hearing it was confirmed on 5.5.2000 by the learned trial Judge and the Application Ex.5 filed in Civil Suit No.93 of 1998 was allowed. This order is challenged in this Appeal. Along with this Appeal, Civil Application No.7692 of 2000 is filed, but so far no interim order is passed by this Court on it.

2. Considering the fact that there is ex-parte ad.interim relief granted earlier in favour of the respondent - plaintiff which has continued so far after bye-party hearing and therefore there is no question of interfering with the same in this Appeal, as while granting the injunction the learned trial Judge has not committed any error which calls for interference of this Court in this Appeal. Accordingly, this Appeal is dismissed with a direction to the learned trial Judge to decide the main Special Civil Suit No.93 of 1998 as early as possible and not later than 31st December 2002. Both the parties shall fully cooperate with the final disposal of the Suit.

Civil Application No.7692 of 2000 is disposed of in terms of the order passed in this Appeal. Accordingly, the same is disposed of.

sd/-

Date : October 29, 2001 (B.J.Shethna, J.)

sas